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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,902	08/29/2006	Satoshi Tsujii	3712174-00567	1992
29175	7590	02/17/2011	EXAMINER	
K&L Gates LLP P. O. BOX 1135 CHICAGO, IL 60690			CHOWDHURY, NICAR	
		ART UNIT	PAPER NUMBER	
		2484		
		NOTIFICATION DATE		DELIVERY MODE
		02/17/2011		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[chicago.patents@klgates.com](mailto:chicago.patents@klgates.com)

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,902	<b>Applicant(s)</b> TSUJII ET AL.
	<b>Examiner</b> NIGAR CHOWDHURY	<b>Art Unit</b> 2484

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 November 2010.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7,9-11 and 13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7,9-11 and 13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No.(s)/Mail Date _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 11/19/2010 have been fully considered but they are not persuasive.
2. In re pages 9-10, applicant argues that Miller discloses matrix switch which allows multiple inputs to be directed to multiple outputs at any time. In the multi-media matrix switch the primary output of the matrix switch is a data stream that defines an editing project created by a user. When the user creates the editing project, the user can select from a number of different multimedia clips which can be assembled into a unique presentation. Miller fails to disclose a memory device storing instructions which when executed by the processor, cause the processor to, in the first block of real data management information, form a first alternate track including video data equivalent to video data obtained by performing a process according to the effect track, the first alternate track being used in response to the effect track being unprocessable, as recited in claim 1.

In response, the examiner respectfully disagrees. Miller et al. discloses from col. 6 lines 34-37 that "RAM 210 typically contains data and/or program modules that are immediately accessible to and/or presently be operated on by processing unit(s) 202"; col. 13 lines 63-col. 14 lines 57 that "...when a user creates an editing project, they can select from a number of different multimedia clips that they can then assemble into a unique presentation.....video source can have transitions....and effects.....transition object is a way to change between two or more sources.....effect object can operate on

a single source or on a composite of sources.....effect can comprises a black-and-white effect....."; fig. 21, col. 19 lines 35-51 that ".....the data structure includes three tracks, each of which contains one of the sources. The sources are arranged in the tree structure in the order of their priority, starting with the lowest priority source on the left and proceeding to the right...an effect...associated with source B.....transition attached to.....source C" Miller et al. discloses in fig. 2, a memory device (RAM) storing instructions which when executed by the processor. Miller et al. also discloses a user-defined editing project, wherein, when a user creates an editing project, they can select from a number of different multimedia clips that they can then assemble into a unique presentation. Each individual clip represents a source of digital data or a source stream. Video source can have transitions and effects applied on them. The sources are arranged in the tree structure in the order of their priority. Furthermore, Miller et al. discloses a first alternate track, for example, in fig. 21, a alternate track is "B" which includes video data and being used in response to the track "A" which being unprocessable. The priority level of the source A, B, and C, starting with lowest priority source from A to C. Source A has low priority than source B and C. Therefore, the first alternate track is meet by the source B or C including video data equivalent to video data obtained by performing a priority process, wherein, the first alternate track B or C being used in response to the effect track A being uprocessable.

3. Claims 2-7, 9-11, 13 are rejected for the same reason as discussed in the corresponding paragraph 2 above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 9-11, 13 rejected under 35 U.S.C. 102(e) as being anticipated by US 7,757,240 by Miller et al.

5. Regarding **claim 1**, a file recording apparatus comprising:

- A processor (fig. 2 (202), col. 6 lines 34-37); and
- A memory device storing instructions which when executed by the processor (fig. 2 (204), col. 6 lines 34-37), cause the processor to:
  - edit video data in accordance with a command input by a user;
  - record the edited video data as a file, the file including
    - a first block including real data management information which is organized in a hierarchical structure and which includes:
      - a first source track in which management information associated with the video data is described;

- an effect track in which management information associated with a first effect to be applied to the video data is described (fig. 9, col. 13 lines 63-col. 14 lines 57, fig. 19, col. 19 lines 19-52);
- a second, different block including real data including at least real data associated with the effect track (fig. 9, col. 13 lines 63-col. 14 lines 57, fig. 19, col. 19 lines 19-52); and
- in the first block of real data management information, form:
  - a first alternate track including video data equivalent to video data obtained by performing a process according to the effect track, the first alternate track being used in response to the effect track being unprocessable (fig. 9, col. 13 lines 63-col. 14 lines 57, fig. 19, col. 19 lines 19-52); and
  - information indicating the processing priority level assigned to the first alternate track of the video data with respect to the processing priority level assigned to another track (fig. 9, col. 13 lines 63-col. 14 lines 57, fig. 19, col. 19 lines 19-52, col. 15 lines 3-11, col. 16 lines 4-32).

6. Regarding **claim 2**, the file recording apparatus wherein the instructions, when executed by the processor, cause the processor to (col. 6 lines 34-37, col. 7 lines 17-26, col. 9 lines 25-50), in the first block of real data management information, for an

alternative use of the effect track, form a second, different alternate track including a second, different effect which is an alternative to the first effect described in the effect track (fig. 9, col. 13 lines 63-col. 14 lines 57, fig. 19, col. 19 lines 19-52).

7. Regarding **claim 3**, the file recording apparatus wherein the information indicating the priority level is described in a third, different block of user data of the first alternate track including the video data; and a fourth, different block of user data of the second, different alternate track for alternative use of the effect track (fig. 9, col. 13 lines 63-col. 14 lines 57, fig. 19, col. 19 lines 19-52).

8. Regarding **claim 4**, the file recording apparatus wherein in the third, different block of the user data, property information associated with the corresponding track is described (fig. 9, col. 13 lines 63-col. 14 lines 57, fig. 19, col. 19 lines 19-52).

9. Regarding **claim 5**, the file recording apparatus wherein the first alternate track including the video data is formed such that real data of the video that is assigned only in a period in which a change occurs in the video data when the effect track is applied to the video data (fig. 9, col. 13 lines 63-col. 14 lines 57, fig. 19, col. 19 lines 19-52).

10. Regarding **claim 6**, the file recording apparatus wherein the first alternate track including the video data is a track of management information associated with a third, different effect to be applied to a second, different source track including video data

obtained as a result of applying the effect track to the original video data (fig. 9, col. 13 lines 63-col. 14 lines 57, fig. 19, col. 19 lines 19-52).

11. **Claim 7** is rejected for the same reason as discussed in the corresponding claim 1 above.
12. **Claim 9** is rejected for the same reason as discussed in the corresponding claim 1 above.
13. **Claim 10** is rejected for the same reason as discussed in the corresponding claim 1 above.
14. **Claim 11** is rejected for the same reason as discussed in the corresponding claim 1 above.
15. **Claim 13** is rejected for the same reason as discussed in the corresponding claim 1 above.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) US 2002/0057705
- b) US 2002/0010712

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC  
02/05/2011

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2484